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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,388	09/27/2001	Joji Mishina	086142-0485	9466

22428 7590 03/12/2003

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

JILLIONS, JOHN M

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/963,388

Applicant(s)

MISHINA ET AL.

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because a lead line for numeral 20 in Fig. 4(c) is missing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: page 2, line 15, "hole" should be --holes--; page 2, line 19, "shaft" should be --shafts--; page 3, line 1, "a" first occurrence should be --the--; page 3, line 26, "the second" should be --a second--; page 4, line 20, "collapsed" should be --collapse--; on page 5, paragraph (0018), a description of Fig. 4(c) should be added; page 6, line 24, "section" should be --sections--; page 9, line 4, "are" should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. In claim 4, line 4, "the locking member" is without antecedent basis. In claim 7, line 2 and claim 15, line 2, "the webbing" is also without antecedent basis.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(f) he did not himself invent the subject matter sought to be patented.

7. Claims 1, 3, 7-8, 12, 15 are rejected under 35 U.S.C. 102(a) as being anticipated by WO00/64711. Note Fig. 5(A) and the unwinding rotation direction A of the torsion bar. The ribs 8 of the WO document are located on the non-force-transmitting portion of the inner peripheral surface of the opening 41a of the locking member 41.

8. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. If applicant does submit a translation of the foreign priority papers to overcome the WO document the claims would still be subject to rejection based upon the claims of the equivalent U.S. patent, no. 6,367,729. Applicant may wish to provoke an interference with said U.S. patent by copying appropriate claims therefrom.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4-6, 9-11, 13-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO00/64711. Regarding claims 2, 4-6, 9 and 17 the particular location of the backlash preventing ribs of the WO document, whether on the locking mechanism itself as shown therein, or provided on either end of the torsion bar or the reel would have been obvious design considerations to one of ordinary skill in the art, since, whether the ribs are located on the bar itself rather than the locking mechanism or the reel within the respective opening, the device would operate in the same manner to prevent backlash and rattling. Furthermore, since one of ordinary skill in the art would recognize that backlash could occur at either of the connections between the torsion bar and the locking mechanism or the reel then it would have additionally been obvious to provide the reel with a backlash preventing rib or ribs to prevent backlash therein. With respect to claims 10 and 11 "how" the rib is formed is of no patentable significance in an article type of claim. In any event crimping is an old and well known type of rib forming method and the use of such in the WO document to form the ribs 8 therein would have been obvious in view thereof. As to claim 13 the particular shape of the ribs of the WO document would have been an obvious design choice to one of ordinary skill in the art since the ribs would function in the same manner no matter what particular shape they are, whether rounded, triangular, rectangular etc., and, regarding claims 14 and 16-17, whether or not they vary in width or are tapered as broadly recited. No criticality has been shown as to the shape or tapering of the ribs.

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*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mishina et al is cited to show a seat belt retractor in which axial backlash movement of the torsion bar is prevented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
John M. Jillions  
Primary Examiner  
Art Unit 3654

jmj  
March 6, 2003